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EXAMINER

HEFFINGTON, JOHN M

ART UNIT	PAPER NUMBER
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2179

MAIL DATE	DELIVERY MODE
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08/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,743

Applicant(s)

TURSKI ET AL.

Examiner

John M. Heffington

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 and 25-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 and 25-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

This action is in response to the original filing of June 8, 2007. Claims 1, 18, 19, 21, 25, 28, 34 and 37 have been amended. Claim 24 has been canceled. Claims 1-23 and 25-38 are pending and have been considered below.

1. Examiner's Note. The Applicant appears to be attempting to invoke 35 U.S.C. 112 6th paragraph in Claims 25, 26, and 27 by using "means-plus-function" language. However, the Examiner notes that the only means cited in the specification is software. While the claims pass the first test of the three-prong test used to determine invocation of paragraph 6, since no other specific structural limitations are disclosed in the specification, the claims do not meet the other tests of the three-prong test. Therefore, 35 U.S.C. 112 6th paragraph has not been invoked when considering the claim below.

Claim Objections

2. Claim 27 is objected to because of the following informalities: the word "display" is apparently misspelled as "disaply".

Double Patenting

3. Claims 6, 10, 11 and 38 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 1 and 34. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a

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slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5, 10-14, 20,21, 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Cowart (Mastering Windows 95).

Claim 1: Cowart discloses a system for data presentation, comprising:

- a. A sorting component to determine categories relating to one or more items for display (page 178, items are sorted according to categories identified by file extensions), and
- b. A cluster component that groups the categories according to discretized states in order to control visible output to the display (page 499, items can be clustered in a folder), wherein
- c. The states include at least a packed state that caused items in the grouped categories to be displayed as a single icon when viewed from outside of the

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grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from outside the group, the group appears as a folder.), and

- d. An unpacked state that causes each item in the grouped categories to be displayed as an individual icon whe viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from outside the group, the group appears as a folder. When the folder is opened, the items are viewed individually).

Claim 2: Cowart discloses a system as in claim 1 above where user interface that is used to view and manipulate files and folders which includes access to hard drives and floppy drives (page 498, figure 12.2).

Claim 3: Cowart discloses a system as in claim 1 above where files and folders can be viewed and manipulated by a user interface (page 498, figure 12.2).

Claim 4: Cowart discloses a system as in claim 2 above with a tree view as part of the user interface to view and manipulate files and folders (page 498, figure 12.2).

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Claim 10: Cowart discloses a system as in claim 1 above with a folder that can contain a group of items and appears as a single entity when viewed from outside the group (page 498, figure 12.2).

Claim 11: Cowart discloses a system as in claim 1 above with a folder, which when expanded in tree view, i.e. outside the group, shows the contents as disparate entities (page 502, number 5).

Claim 12: Cowart discloses a system as in claim 1 above for setting the rules to determine how items are to be displayed (page 235, Sorting and Tidying Up The Listing).

Claim 13: Cowart discloses a system as in claim 1 above for setting the state of a file (page 525, figure 12.9).

Claim 14: Cowart discloses a system as in 13 above for setting the state of a group (subset) of items (page 525, figure 12.9)

Claim 20: Cowart discloses a system as in claim 1 above for showing the static contents of a directory (page 498, Figure 12.2) and for showing a dynamic query of files and folders (page 36 and 37, The Find Button).

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Claim 21: Cowart discloses a system as in claim 20 above for showing the results of a Find query in a similar fashion as the contents of a directory or the directory itself, thereby associating an unpacked group and a packed group with a dynamic query (page 36 and 37, The Find Button).

Claim 25: Cowart discloses a system for determining a state for a group (subset) of items and for setting the state of a group (subset) of items (page 525, figure 12.9) and for displaying the items according to assigned state (page 498, Figure 12.2), wherein the states include at least a packed state that caused items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from outside the group, the group appears as a folder.), and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from outside the group, the group appears as a folder. When the folder is opened, the items are viewed individually).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 15, 22, 23, 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowart (Mastering Windows 95).

Claim 6: Cowart discloses a system as in claim 1 above that uses file extensions to indicate file type and state (page 177, figure 4.7, page 184, How do File Types Become Registered) but does not disclose a file type or state of packed state or unpacked. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to define an extension for a packed state or an unpacked state. One would have been motivated to define extensions for a packed or an unpacked states to be able to distinguish those states from other states.

Claim 15: Cowart discloses a system as in claim 13 above for setting a flag indicating the state of an item (page 525, figure 12.9) but does not disclose setting a flag for the states of packed and unpacked. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to set a flag indicating the states of packed and unpacked. One would have been motivated to set a flag indicating the states of packed and unpacked to be able to determine when an item is in the packed state or the unpacked state.

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Claim 22: Cowart discloses a system as in claim 1 above for setting the state of an item (page 525, figure 12.9) but does not disclose that the item is set to a default state. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to set the initial state of an item to a default state. One would have been motivated to set the initial state to a default state in order that the item had a known initial state.

Claim 23: Cowart discloses a system as in claim 22 above for setting the state of an item (page 525, figure 12.9) but does not disclose the rules for setting the default state of an item. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to define rules for setting the default state. One would have been motivated to define rules for setting the default state of an item in order to set the default state of an item to a known state.

Claim 26: Cowart discloses a system as in claim 25 above for displaying items (page 498, figure 12.2) but does not specifically disclose displaying a packed group, an unpacked group, and an overlapping group. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to display packed groups, unpacked groups and overlapping groups. One would have been motivated to display a packed group, an unpacked group, and an overlapping group so they could be viewed by the user.

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Claim 27: Cowart discloses a system as in claim 26 above, and further discloses clicking a mouse to control a display (page 104, Note).

8. Claims 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (US 6,513,038).

Claim 28: Hasegawa discloses a system and method for creating a directory (grouping items) called a view directory from a content directory according to class, entry and attribute which is hidden from external view (column 9, lines 66-67 and column 10, lines 1-3) but does not disclose creating a view directory in a packed state or an unpacked state or displaying them in separate views. However, It would have been obvious to one having ordinary skill in the art at the time of the invention to use the state attribute, i.e. packed or unpacked, to define directory nodes and members when creating a view directory from a content directory and to display them in separate views. One would have been motivated to define directory nodes and members in a packed or unpacked state and to display them in separate views in order to provide the user with additional information about these nodes and to maintain each original view for later viewing.

Claim 29: Hasegawa discloses a method as in 28 above and further discloses creating a directory called a view directory from a content directory according to class, entry and attribute (column 9, lines 66-67 and column 10, lines 1-3).

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Claim 30: Hasegawa discloses a system as in claim 9 above and method for accessing a data management directory (Hasegawa, Abstract, lines 1, 2) and for creating a view directory from a content directory based on class, entry and attribute (Hasegawa, column 9, lines 66-67 and column 10, lines 1-3) but does not disclose persisting states to data storage. It would have been obvious to one having ordinary skill in the art at the time of the invention to persist the classes, entries and attributes to data storage. One would have been motivated to persist the classes, entries and attributes to data storage in order to avoid inputting this data in each time a view directory is to be created.

Claim 31: Hasegawa discloses a method as in claim 29 above and further discloses creating a new directory containing the intersection, or overlap, of a plurality of directors (column 10, lines 19-21, column 20, lines 34-67, column 21, lines 1-7).

9. Claims 7,8, 16-19, 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowart (Mastering Windows 95) in view of Hasegawa (US 6,513,038).

Claim 7: Cowart and Hasegawa disclose a system as in claims 6 and 29 above and method for accessing a data management directory (Hasegawa, Abstract, lines 1, 2) and for creating a view directory from a content directory based on class, entry and attribute (Hasegawa, column 9, lines 66-67 and column 10, lines 1-3) but do not disclose persisting states to data storage. It would have been obvious to one having

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ordinary skill in the art at the time of the invention to persist the classes, entries and attributes to data storage. One would have been motivated to persist the classes, entries and attributes to data storage in order to avoid inputting this data in each time a view directory is to be created.

Claim 8: Cowart and Hasegawa disclose a system as in claim 7 above and Hasegawa further discloses creating a directory called a view directory from a content directory according to class, entry and attribute (column 9, lines 66-67 and column 10, lines 1-3). Therefore, It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to associates attributes representing state with properties of a group. One would have been motivated to associate attributes representing state with properties of a group in order for all members of a group to be identified with the same state.

Claim 16, 18: Cowart discloses a computerized interface for data presentation comprising a sorting component and a cluster component as in claim 1 above but does not disclose an overlapping group that includes content from various groups. However, Hasegawa discloses a similar system which further discloses creating a new directory containing the intersection, or overlap, of a plurality of directors (column 10, lines 19-21, column 20, lines 34-67, column 21, lines 1-7). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to include overlapping groups that contain content from various groups. One would have been

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motivated to include overlapping groups in order to filter out items that are common to two groups.

Claim 17: Cowart and Hasegawa disclose a system as in claim 16 above including creating a new directory containing the intersecting or overlapping contents of a plurality of directories (Hasegawa, column 10, lines 19-21, column 20, lines 34-67, column 21, lines 1-7) but do not disclose including a recycle group and an archive group as an overlapping group. However, It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to apply any desirable name to an overlapping group. One would have been motivated to apply a name to an overlapping group in order to distinguish it from other overlapping groups.

Claim 19: Cowart and Hasegawa disclose a system as in claim 18 above and Hasegawa further discloses creating a new directory containing the union of two other directors (column 10, lines 10-14, columns 17, 18 and 19). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to provide the union of two groups. One would have been motivated to provide the union of two groups so that two groups could be viewed as one group.

Claims 34-37: Cowart discloses a computer readable medium having a data structure stored thereon, comprising:

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- a. A packed state that caused items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from outside the group, the group appears as a folder.), and
- b. An unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories (pages 197-198, pages 508 and 529, Short-cuts of items from any folder can be placed in a folder. When these items are viewed from outside the group, the group appears as a folder. When the folder is opened, the items are viewed individually),

but does not disclose

- a. A first data field relating to at least one group property associated with a subset of data items for display
- b. A second data field for the data items, and
- c. A third data field to control how the data items are to be directed to a computerized display

However, Hasegawa discloses a data structure including a data field for a group property, a data field for holding data, and a data field for controlling how the data items are to be directed to a display (figures 12A and 12B). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add a data

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structure including a data field for a group property, a data field for holding data, and a data field for controlling how the data items are to be directed to a display because Cowart defines and applies properties to both folders (packed state) and files (unpacked state).

Claim 38: Cowart and Hasegawa disclose a data structure as in 37 above but does not disclose associating the state with a packed state, and unpacked state, an overlapping state, and a dynamic state. However, it would have been obvious to one having ordinary skill in the art at the time of the invention for Hasegawa to associate the state with all known or possible states, such as packed, unpacked, overlapping, and dynamic states. One would have been motivated to associate the state with a packed state, and unpacked state, an overlapping state, and a dynamic state in order to be able to distinguish one state from another.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cowart (Mastering Windows 95) in view of Hasegawa (US 6,513,038) in further view of Newman (US 2004/0139231 A1).

Claim 9: Cowart and Hasegawa disclose a system as in claim 8 above for creating a directory called a view directory from a content directory according to class, entry and attribute (column 9, lines 66-67 and column 10, lines 1-3) but does not disclose

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associating property data with meta data. Newman discloses a similar system in which meta data is associated with property data (paragraph 0068, lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to associate property data with meta data. One would have been motivated to associate property data with meta data in order to be able to view in human readable format what properties are applied to an item.

11. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa(US 6,513,038) in view of Cowart (Mastering Windows 95).

Claim 32: Hasegawa and Cowart disclose a method for creating a directory called a view directory from a content directory (Hasegawa, column 9, lines 66-67, column 10, lines 1-3) and displaying an icon for files and folders (Cowart, page 498, figure 12.2) as in claim 31 above but does not disclose displaying an icon for a packed, an unpacked group or an overlapping group. It would have been obvious to one having ordinary skill in the art at the time of the invention for Cowart to display an icon for a packed, an unpacked group or an overlapping group. One would have been motivated to display an icon for a packed, an unpacked group or an overlapping group in order to distinguish each group from other groups.

Claim 33: Hasegawa discloses a method as in claim 32 above and further discloses creating a directory called a view directory from a content directory according to class,

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entry and attribute (column 9, lines 66-67 and column 10, lines 1-3). The contents of the view directory could be viewed by opening the directory.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Response to Arguments

13. Applicant's arguments with respect to claims 1, 25, 28 and 34 have been considered but are moot in view of the new ground(s) of rejection.

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14. Applicant's arguments filed 8 June 2007 have been fully considered but they are not persuasive. Applicant argues that the references do not disclose states that include at least a packed state that causes items in the grouped categories to be displayed as a single icon when viewed from outside of the grouped categories and an unpacked state that causes each item in the grouped categories to be displayed as an individual icon when viewed from outside of the grouped categories. However, Cowart discloses packed and unpacked states as disclosed in the claims. For example, a packed state can be considered imputed to items whose short cuts have been placed in a common folder. Though these items can reside in separate folders, then can be seen as being "packed" into one folder and can be represented by one icon when viewed from outside of the folder. The items can be unpacked when the folder is opened.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Heffington whose telephone number is (571) 270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
08/12/2007

BA HUYNH
PRIMARY EXAMINER